

REMARKS

Claims 1-5 are pending in the present application.

This Amendment is in response to the Office Action mailed January 12, 2009. In the Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. § 103(a).

Applicant has amended claims 1, 2, and 4, and added claims 6 - 9. Applicant submits that the newly added claims do not introduce new matter. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,359,305 issued to Tsukuda ("Tsukuda") in view of U.S. Publication 2002/006096 filed by Yamada ("Yamada").

Applicant respectfully traverses the rejections for the following reasons.

Tsukuda discloses an electron beam that may be bent in a radial direction where a recording is to be formed when the beam reaches a predetermined position of the disc (Col. 5, line 62 to Col. 6, line 6). Tsukuda further discloses the use of an electrode for bending the electron beam in a direction substantially perpendicular to another electrode (Col. 5, lines 62-66). Tsukuda, however, does not disclose the step of recording both, recording track and pit by deflecting a single beam in a single electron optical system (as also stated by the Examiner, "Tsukuda fails to expressly teach that the method comprises recording a pit positioned between the recording tracks"). In other words, nowhere in Tsukuda that discloses a recording of both the recording track and pit by deflecting a single beam in a single electron optical system.

Yamada discloses a processing method to form grooves, prepit groups on a groove track and prepit group on a land track. A laser beam is positioned to shoot on

the center of the groove track and the land track. More importantly, Yamada discloses that a laser beam 102 irradiated from a laser device 101 (i.e., original source) is divided by a beam splitter, into a laser beam 105 for processing grooves and a laser beam 106 for processing prepit groups. In Yamada, the two laser beams 105 and 106 are irradiated from two sources 107 and 108, to record track and pit, respectively. This is in contrast to the present invention, where only one single beam in a single electron optical system is used to record both track and pit by reflecting that single beam from a single electron optical system.

Tsukuda and Yamada, taken alone or in any combination, do not disclose, suggest, or render obvious recording both the track and pit by deflecting a single beam in a single electron optical system. This aspect of the invention is supported in the specification in paragraphs [0026], [0028] and [0029], FIG. 1, and is recited in amended claims 1, 2, and 4.

Therefore, Applicant believes that independent claims 1, 2, 4 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

PIONEER NORTH AMERICA, INC.

Dated: _____

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Caroline T. Do, Esq.
Registration No. 47,529

PIONEER NORTH AMERICA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
2265 E. 220th Street
Long Beach, CA 90810
(310) 952-3300